

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DERRICK J. ELLERBE,**  
**Plaintiff,**

**v.**

**UNITED STATES DEPARTMENT  
OF JUSTICE, *et al.*,**  
**Defendants.**

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**CIVIL ACTION NO. 22-CV-4514**

**ORDER**

AND NOW, this 23<sup>rd</sup> day of November, 2022, upon consideration of Plaintiff Derrick J. Ellerbe's Motion to Proceed *In Forma Pauperis* (ECF No. 1), *pro se* Complaint (ECF No. 2), and Motion (ECF No. 3), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART**

**WITHOUT PREJUDICE** for the reasons in the Court's Memorandum as follows:

- a. Ellerbe's request for an advisory opinion is **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction.
- b. The balance of the Complaint is **DISMISSED WITH PREJUDICE**.
4. The Motion is **DENIED**.
5. Within thirty (30) days of the date of this Order, Ellerbe shall **SHOW CAUSE** by filing a "Response to Show Cause Order" not to exceed ten pages, stating why the Court should not enter an order directing the Clerk of Court to refuse to accept for filing under Federal Rules of Civil Procedure 5(d) any pleading received from Derrick J. Ellerbe, other than an appeal of the dismissal of this case or the contemplated injunction order, in which Ellerbe mentions in any

way, or seeks to bring a claim related to or involving either in whole or in part, any claim against any government, governmental agency, or governmental official that he was followed, harassed, kidnapped or held captive by agents, officers or officials of the United States, the Commonwealth of Pennsylvania, or other governments, governmental entities, or governmental officials, regardless of the nature of the claim or the relief Ellerbe seeks in such action. In other words, Ellerbe should show cause as to why he should not be enjoined from again raising such claims in the future. Should an injunction Order be entered, the Clerk will be directed not to accept for filing any submissions that fall within the scope of the injunction, but instead will be directed to return the submission to Ellerbe.

6. The Clerk of Court shall **CLOSE** this case.

**BY THE COURT:**

**/s/ MICHAEL M. BAYSON**

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**MICHAEL M. BAYLSON, J.**